MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139801/NMC/2024
Date registered valid:	17 April 2024
Proposal:	Non-material amendment to planning approval reference 136127/JO/2023 to allow amendments to: Rearrangement of stair core to allow for compliant fire escape distances; adjustments to the position of bedroom windows; Doors and windows on east elevation; adjustment to flat roof above external second floor terrace on west elevation
Address:	Yew Tree Manor, Yewtree Lane, Manchester, M23 0EA
Ward(s):	Northenden Ward
Applicant:	Mr Craig Collishaw, LNC Property Developments Ltd
Agent (if any):	Mr Alex Webster-Brown, Jackson Design Associates
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: **18.04.2024**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non required for a non-material amendment application

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is located within a residential area to the south of the M60 Ring Road and to the west of Princess Road/M56. The former Manchester College site on Sale Road is located approximately 150m to the south. Residential accommodation in the area is predominantly 2 storeys in height and construct post war as part of the southern expansion of the city in Wythenshawe. A recent redevelopment of the former MCC Yard and Cringlewood Social Club car park for 14 no. two storey dwellinghouses bounds the site to the west, whilst to the east on the opposite side of Willenhall Road is an incidental open space with residential properties set around. To the rear (both of the site) are further two storey residential properties on Barry Road which have rear gardens that bound the application site.

The application site consisted of an existing nursing and residential care home priorto their demolition to implement the original planning permission subject of this no-material amendment application. The original core of Yew Tree House was a double-fronted, three bay, two storey house. The central bay contained a doorway with a fanlight and a window above at first floor. It is flanked on either side by double height canted bays. The building is brick and has been painted white, with lintel and cill details picked out in black paint. The later extensions sit to the east, west and north of the property. The Yew Tree Lane elevations are also white with black details. The original core building on the site appears to be shown on historic mapping from at least 1882.

Description of development

Planning approval reference 134207/FO/2022 was granted in October 2022 for the demolition of the existing buildings on the site and its redevelopment for the erection of a part two, part three storey 59 bed care home facility including basement, access, landscaping and associated infrastructure. The proposed care home would provide high quality, 24 hour care for elderly people with a range of complex needs.

A subsequent application to vary that approval (136127/JO/2023) was granted permission to allow for amendments to the acoustic boundary treatment along the northern boundary which would result in the acoustic fence to meet noise requirements being altered from a 2.1m high fence to a 2.1m high fence with a 750mm cantilever angled at 45 degrees.

The current non-material amendment application seeks to vary the approval following a review of the fire escapes from the building to ensure a fully compliant design is made in respect to the current Building Regulations. In addition, the alterations are to improve the buildability and operational functionality of the building once functioning.

Planning History

030512 - Two storey extension to existing home to form additional bedrooms, toilets, bathrooms and lift - Approved 12/02/1988

035588 - Two storey extension to residential home to form nursing unit for 18 residents - Refused 10/05/1990

039016 - 2 storey extension to nursing home - Approved 24/10/1991

134207/FO/2022 - Erection of a part two, part three storey 59 bed care home facility including basement, access, landscaping and associated infrastructure following demolition of existing building - Approved 13.10.2022

Issues

Materiality
Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material this includes altterations to conditions of an approval. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The current application seeks a non-material amendment to the permission to ensure the design does not exceed distances from a protected fire escape door and stair core. As a result of this, the location of the protected stair core 02 has been repositioned to allow for the escape distance to be less than 9 meters from the dead-end bedrooms. The bedrooms and the stair core to this gable have been handed to allow for this change

Figure One: Previous upper floor plan with purple line representing non-compliant 11.2 meters distance to stair core door.

Figure Two: Diagram showing which bedroom has been handed with the position of the stair core to provide a compliant design.

As a result of this updated stair core position, the partition walls to bedrooms 16-19 have now been equally spaced, increasing the size from 15sqm to 17sqm on each corresponding floor. The previous stair core included an expanse of wasted space, so removing this allows for more area for the bedrooms South of the stair 02 lobby as circled below. Lift 02 has been updated to an 8 person passenger lift, as previously 2No. large 13 person lifts were proposed for the scheme. Lift 01 remains as a 13 person trolley lift, however lift 02 has been reduced in size to allow for the updated stair core design.

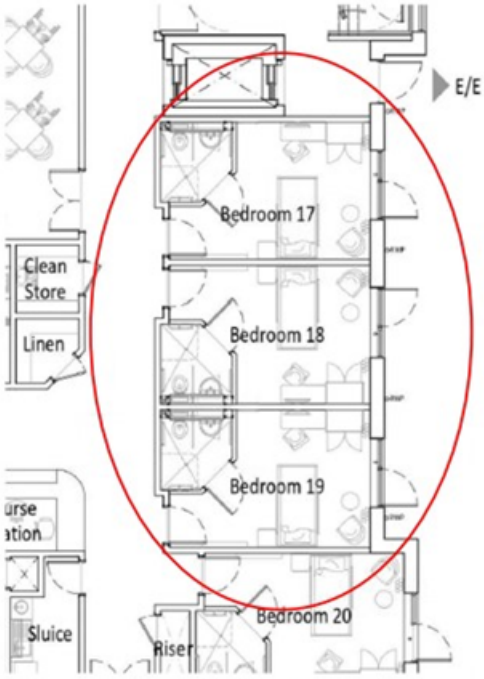

Figure Three: Previously approved floor plan showing smaller bedroom areas due to stair core location.

Figure Four: Revised Floor plan with slightly wider bedrooms and stair core relocated.

In elevation, the bedroom windows on each floor have been slightly updated to equally space them across this area of elevation. No further change in elevation has occurred as a result of this internal update.

Figure Five: Previous East elevation showing access door leading from stair core and bedroom windows positioned unequally.

Figure Six: Revised East elevation showing bedroom windows repositioned slightly. Note, negligible visual impact

Following the previously mentioned amendments the changes in elevation are demonstrated as below. The approved planning scheme, under variation ref 136127/JO/2023, included a door and window positioned with the previous staircase design. As such these are adjusted to allow for the internal arrangement updates.

Figure Seven: Previous East Elevation.

Figure Eight: Revised East Elevation with no staircase clash internally.

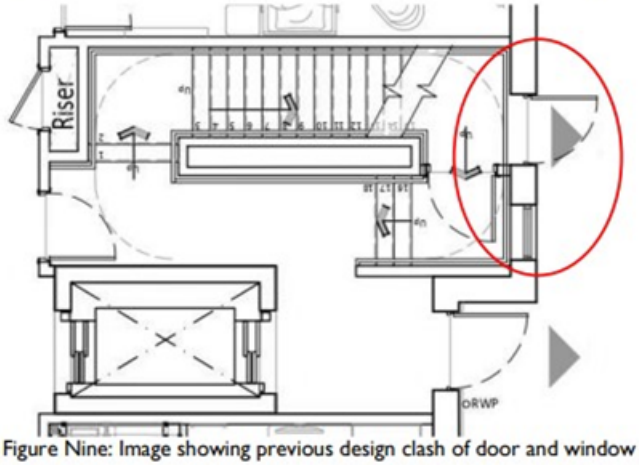

Figure Nine: Image showing previous design clash of door and window against proposed stair location.

There is also an amendment to the roof structure over the second floor external terrace to remove an area of roof overhang which is deemed to be within reaching distance of vulnerable occupiers.

Figure Ten: Previous roof layout showing eaves protruding over balcony.

Figure Eleven: Revised flat roof layout bought in line with main roof.

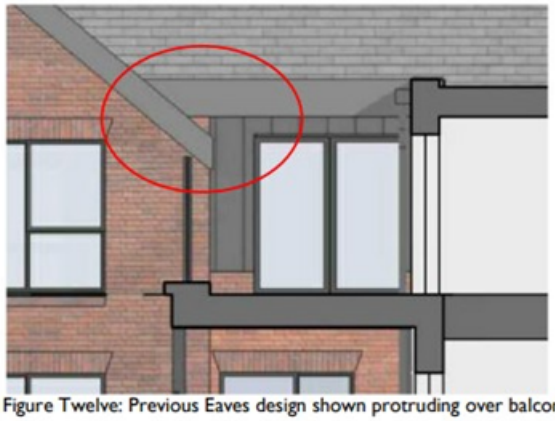

Figure Twelve: Previous Eaves design shown protruding over balcony.

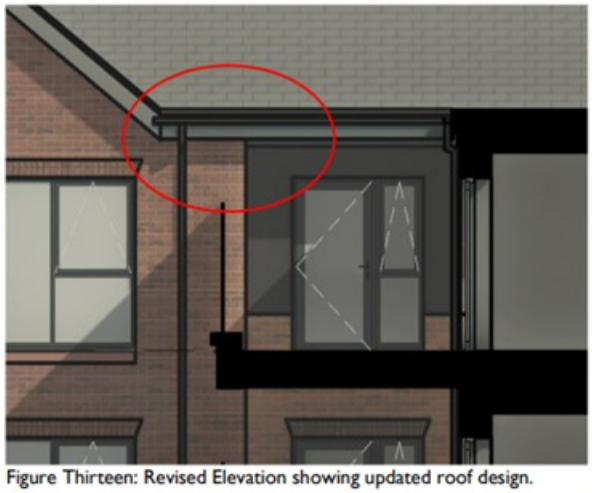

Figure Thirteen: Revised Elevation showing updated roof design.

Following assessment of the proposed amendment it is considered that these are non-material in nature and can be approved. Whilst there are amendments to window arrangements on the east elevation, these are facing towards the adjacent Willenhall Road and would not give rise to an increase in windows on this elevation or greater or significantly different views across this road towards residential properties than the approved design.

Respective alterations are required to condition 2 to reflect the amended drawings.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights

conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed amendments relate to: internal changes to reduce distances to fire escape routes; consequential amendments to window and door arrangements on the east elevation; together with an update to the roof design to a flat roof over external second floor terrace.

2) Following an assessment of the details submitted, the Council can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no significant material impact upon the appearance on the development within the streetscene or character of the wider area. It is also considered that the proposals would not have any impact on the amenity of any existing residential properties.

Updated Condition 2

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Landscape Layout reference 201 Rev C
As recevied by the City Council as local planning authority on the 11th October 2022
Proposed Site sections reference L0206-130 Rev B
Proposed site plan reference L0206-105 Rev C
As received by the City Council as local planning authority on the 7th October 2022

Recycle Store reference L0206-114 Rev A
All as received by the City Council as local planning authority on the 7th September 2022

Bat Emergence Survey prepared by Rachel Hacking Ecology September 2022
As received by the City Council as local planning authority on the 20th September 2022

Road Safety Audit Stage 1 reference Highway Associates 2022/CR/1667
As received by the City Council as local planning authority on the 23rd September 2022

Environmental Standards Statement prepared by BWB
Lighting Impact Assessment prepared by BWB
Crime Impact Statement prepared by GMP design for security reference 2022/0268/CIS/01 Rev A
As received by the City Council as local planning authority on the 8th July 2022

Television and Radio Reception Impact Assessment prepared by GTech Surveys Limited
Local Labour Agreement Undertaking dated 23/06/2022
Site Waste Management Proforma ref PP-11332213 prepared by Cameron Rose Associates

Geo Environmental Investigation prepared by Earth Environmental and Geotechnical Report Ref: A4701/22/SI/V2 June 2022
Noise Impact Assessment ref 220454 prepared by BWB
Arboricultural Survey prepared by ACS Consulting dated June 2022
Extended Phase1 Habitat Survey and Daytime Bat Survey prepared by Rachel Hacking Ecology April 2022
Proposed basement plan L0206-110 As received by the City Council as local planning authority on the 29th June 2022

Boundary Treatment Plan reference L0206-106 Rev C and Landscape Layout reference 101 Rev E both as received by the City Council as local planning authority on the 2nd February 2023

The approved Drawings and Documents associated with Condition Discharge reference CDN/22/0923
The approved Drawings and Documents associated with Condition Discharge reference CDN/23/0159

23-2516(22)001-C05-Ground Floor and Basement GA Floor Layouts
23-2516(22)002-C03-First Floor GA Floor Layout
23-2516(22)003-C03-Second Floor GA Floor Layout
23-2516(21)001-C02-Proposed GA Elevations (Colour) Sheet 1 of 2
23-2516(21)002-C04-Proposed GA Elevations (Colour) Sheet 2 of 2
All as received by the City Council on the 17th April 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA